

REMARKS

Claims 1 to 19 were presented for examination. Claims 1 to 19 were rejected under 35 USC 103(a) as allegedly being unpatentable over Scheppers in view of French Patent 5 '269. Neither of these references teach a method or a structure which could be used to make a fireplace of the type shown in applicants' Figures 1 to 5, 9 and 10. Scheppers teaches a "liner unit" for a boiler or furnace. The liner may be made in parts and cemented together and is made from refractory fibers using both inorganic binders, organic fibers and organic binders of combustible materials. In this context, French '269 can also be viewed as a liner in that the hearth comprises a chimney of blocks that can be cemented together at the sides or edges, thus, the hearth of the '269 reference could be made from the material in Scheppers. Neither reference teaches or suggests the fireplace being claimed by the applicants as will be explained in greater detail hereinafter.

The Examiner cites Scheppers '917 as the principal reference in the rejection of Claims 1 to 19. The rejection is NOT fully understood. The title of this reference is "Furnace Combustion Chamber" and the reference shows and describes a closed cylindrical chamber which has an opening (4 or 10) for accepting the tip of a burner nozzle. Fuel burned inside the closed chamber escapes through a plurality of apertures (5). The cylinder is used as an insert chamber or liner for furnaces and boilers and does not appear to be applicable to applicants' fireplace being claimed. The heart of the invention appears to be that the holes (5) provide uniform and high heat transmission (see Col. 1, lines 1 to 25 55), thus, constitutes an alleged improvement over Rex Jr. cited for a method and an open ended cylindrical liner.

Method Claim 1 has been amended to distinguish over Scheppers whose liner cannot be made into fireplace and the 35 French '269 patent only shows a hearth and chimney.

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5 Applicants mold an open box comprising floor, top and side panels of a fireplace. Neither Scheppers or Rex Jr. do this. Applicants contend neither the Scheppers or Rex Jr. method are capable of producing a fireplace of the type shown in applicants' Figures 1-10 which employ an open box of the type shown in Figure 11.

10 Scheppers teaches away from an open end chamber and is inoperable without a plurality of "heat transmitting orifices".

15 Applicants Claim 1 as amended calls for assembling stack means, trim means and burner means on their novel chamber to provide a unique fireplace unit. Since the fireplace unit can be completed in the field, it is capable of being implemented in different configurations. In the references cited, the combustion chambers are not modifiable.

20 Neither reference teaches the last two elements of Claim 1. The fireplace of Fogerty '254 is assembled of masonry parts or panels but does not teach the last two elements of Claim 1 which results in a prefabricated fireplace unit.

25 For the reasons stated above, applicants traverse the alleged teaching of applicants claimed fireplace.

30 Claims 2 to 6 and 8 are all dependent from method Claim 1 and each adds new method steps which are not shown or suggested by the cited art.

35 Apparatus Claim 12 calls for an open box of molded panels. While French '269 has an open chimney and hearth, the hearth cannot be modified using the teachings of Scheppers and Rex Jr. to end up with a prefabricated fireplace having glass door means and burner means in a gas tight combustion chamber.

 Claims 13 to 16 are dependent from Claim 12 and add further limitations that are not shown, suggested, or even operable with the cited art.

 Method Claim 19 was rejected under 35 USC 102(b) as being anticipated by Rex Jr. This prior art molded combustion chamber was described by applicants at page 1, lines 20 et seq.

in their specification. Enclosed as Exhibit A is a copy of a boiler spec sheet showing a 12" x 18" recess for housing liners of the type described by Rex Jr. The proposed liner is only 3/16" thick and most liners are substantially thicker.

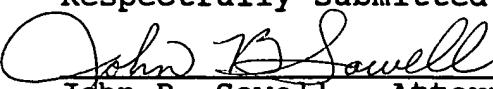
5 Applicants Claim 19 has been amended to distinguish over Rex Jr. in that the object being molded has an open side for a door and a floor for supporting a gas burner. Exhibit A shows how a burner nozzle is fitted into the side of the Rex Jr. liner.

10 Applicants dry their tapered chamber on the mold to obtain a self supporting unit before stripping their fireplace chamber. Rex Jr. does NOT teach this! His liner cannot do this because his liner has vertical walls, thus would shrink and freeze onto the mold (See Col. 2, lines 37-41). Applicant's contend that their Figure 11 shows a tapered shape which allows them to pre dry and obtain a stiff uncured highly accurate one piece combustion chamber. Clearly Claim 19 and dependent Claims 20 to 23 are patentable over the cited art.

15 Claims 1 to 6, 8, 12 to 16, and 18 to 23 are now in this application in allowable form which distinguishes over all known prior art. Reconsideration and allowance is requested.

Respectfully submitted,

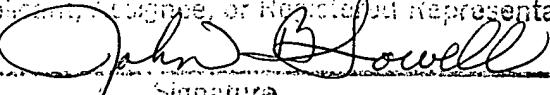
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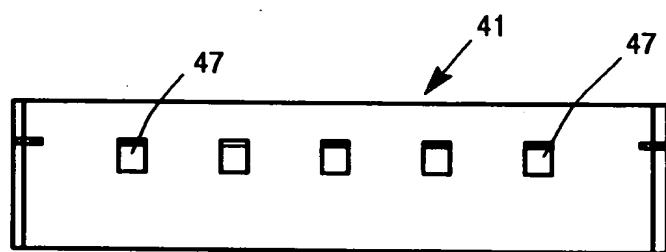
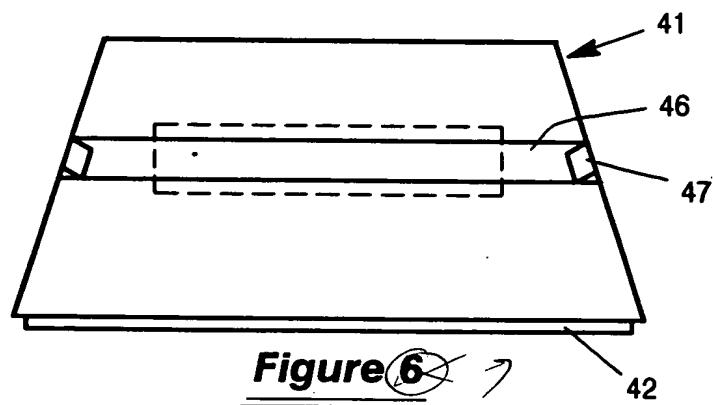
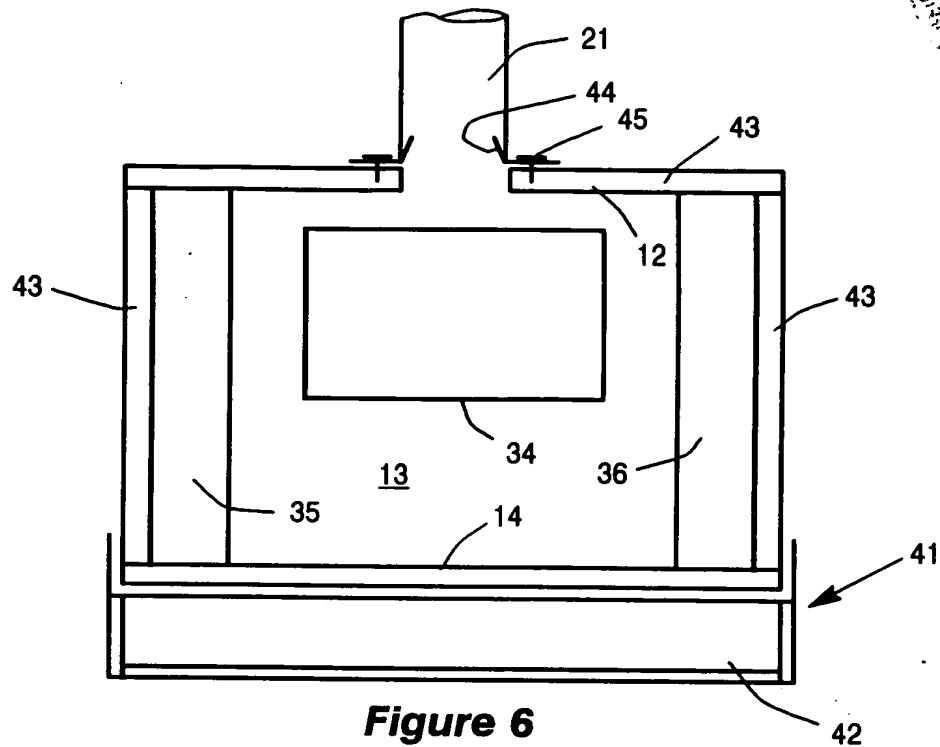
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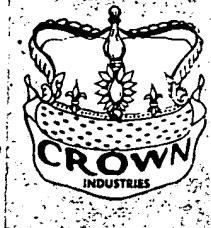
John B. Sowell Att
(Name of Applicant, Designer, or Registered Representative)


Signature

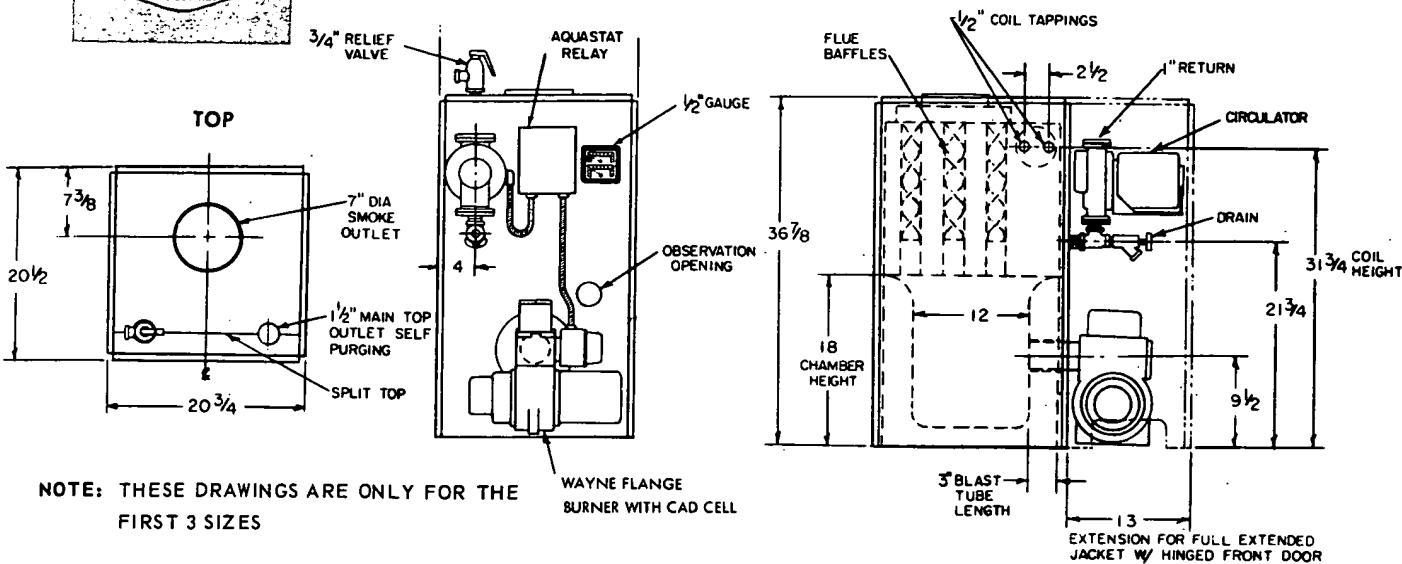
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BOILER MEASUREMENTS



RATINGS AND DATA

RATING	WP-500	WP-600	WP-750	WP-900	WP-1000	WP-1150	WP-1290	WP-1620	WP-1980
Gross Output BTU/hr.	100,000	116,000	131,000	142,000	171,000	198,000	220,000	280,000	344,000
*Net Output - For Baseboard BTU/hr.	87,000	102,000	115,000	124,000	150,000	173,000	192,000	244,000	297,000
Net Output - Standing Radiation BTU/hr.	75,000	87,000	99,000	108,000	128,000	149,000	168,000	214,000	260,000
*Net Water Sq. Ft. - For Baseboard	580'	680	770	830	1000	1150	1290	1620	1980
Oil Nozzle Size G.P.M.	1.00 x 60 H.	1.10 x 60 H.	1.25 x 60 H.	1.35 x 60 H.	1.50 x 60 H.	1.75 x 60 H.	2.00 x 60 H.	2.50 x 60 H.	2.75 x 60 H.
Standard Tankless Coil G.P.M.	3 1/2	3 1/2	3 1/2	3 1/2	4 1/2	4 1/2	4 1/2	4 1/2	4 1/2
No. of Tubes	10	12	16	18	18	24	30	24	30
Lgth. of Tubes	17	17	17	17	20	20	20	26	26
Water Content - Gallon	18.5	18	17.4	16.8	25	24.5	23.5	31	30
Ship. Wght. - Pkgd. Lbs.	495	505	525	550	600	625	650	775	800

*Piping and Pickup based on 12 1/2% for Baseboard Installation.

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DIMENSIONS

DIMENSIONS	WP-500	WP-600	WP-750	WP-900	WP-1000	WP-1150	WP-1290	WP-1620	WP-1980
Jacket - Width	20 3/4"	20 3/4"	20 3/4"	20 3/4"	22 3/4"	22 3/4"	22 3/4"	22 3/4"	22 3/4"
Jacket - Lgth.	20 1/2"	20 1/2"	20 1/2"	20 1/2"	22 1/2"	22 1/2"	22 1/2"	22 1/2"	22 1/2"
Jacket - Ht.	36 7/8"	36 7/8"	36 7/8"	36 7/8"	40 1/2"	40 1/2"	40 1/2"	46 1/2"	46 1/2"
Circulator Size	1"	1"	1"	1"	1 1/4"	1 1/4"	1 1/4"	1 1/2"	1 1/2"
Supply Tapping	1 1/2"	1 1/2"	1 1/2"	1 1/2"	1 1/2"	1 1/2"	1 1/2"	1 1/2"	1 1/2"
Smoke Outlet - Diameter	7"	7"	7"	7"	7"	7"	8"	8"	8"
Blast Tube - Insertion	3"	3"	3"	3"	3"	3"	3"	3"	3"

STANDARD EQUIPMENT with PACKAGED MODELS

- Boiler complete with flush jacket.
- Built-in tankless coil.
- Combustion chamber installed.
- Matching burner, flange mounted with cad photo cell.
- Low Voltage room thermostat.
- 5-way Hot Water Control with Circulator Relay & Primary Cad Relay.
- Theratimer Gauge.
- ASME Relief Valve.
- Circulator.
- Drain cock.

OPTIONAL EQUIPMENT

- Jacket Extension.
- Ex-Trol, filter tank with tank fill valve and shut-off.

BUILT TO ASME SPECIFICATIONS

EXHIBIT A